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Dated: 7-18-05

Signature:

Rhea Amid  
(Rhea Amid)

DPW

Patent  
Docket No. 559552000120

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Tae-ahn JAHNG

Serial No.: 10/798,014

Filing Date: March 10, 2004

For: A METHOD AND APPARATUS FOR  
FLEXIBLE FIXATION OF A SPINE

Examiner: D. Davis

Group Art Unit: 3731

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 10/728,566, filed December 5, 2003, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

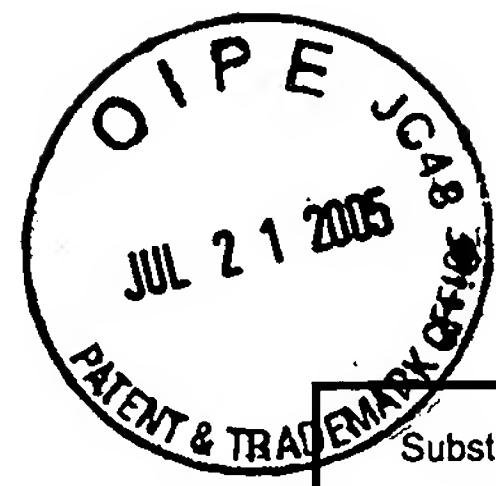
(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 559552000120.

Dated: July 15, 2005

Respectfully submitted,

By *Rick Kim*  
Richard C. Kim  
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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

				<b>Complete if Known</b>
				Application Number <b>10/798,014</b>
				Filing Date <b>March 10, 2004</b>
				First Named Inventor <b>Tae-ahn JAHNG</b>
				Art Unit <b>3731</b>
				Examiner Name <b>D. Davis</b>
Sheet	1	of	2	Attorney Docket Number <b>559552000120</b>

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-4,743,260	05-10-1988	Burton	
	2.	US-5,282,863	02-01-1994	Burton	
	3.	US-5,540,688	07-30-1996	Navas	
	4.	US-5,672,175	09-30-1997	Martin	
	5.	US-6,187,000	02-13-2001	Davison et al.	
	6.	US-6,193,720	02-27-2001	Yuan et al.	
	7.	US-2001/0020169	03-25-2003	Metz-Stavenhagen	
	8.	US-2001/0037111	11-01-2001	Dixon et al.	
	9.	US-2002/0010467	01-24-2002	Cooper et al.	
	10.	US-2002/0035366	03-21-2002	Walder et al.	
	11.	US-2002/0049394	04-25-2002	Roy et al.	
	12.	US-2002/0055740	05-09-2002	Lieberman	
	13.	US-2002/0065557	05-30-2002	Goble et al.	
	14.	US-2002/0082600	06-27-2002	Shaolian et al.	
	15.	US-2002/0087159	07-04-2002	Thomas	
	16.	US-2002/0099378	07-25-2002	Michelson	
	17.	US-2002/0107570	08-08-2002	Sybert et al.	
	18.	US-2002/0111628	08-15-2002	Ralph et al.	
	19.	US-2002/0111630	12-23-2003	Ralph et al.	
	20.	US-2002/0120270	08-29-2002	Trieu et al.	
	21.	US-2002/0123668	09-05-2002	Ritland	
	22.	US-2002/0123750	09-05-2002	Eisermann et al.	
	23.	US-2002/0123806	09-05-2002	Reiley	
	24.	US-2002/0138077	10-12-2004	Ferree	
	25.	US-2002/0143329	10-03-2002	Serhan et al.	
	26.	US-2002/0143401	10-03-2002	Michelson	
	27.	US-2002/0169450	11-14-2002	Lange	
	28.	US-2002/0183748	12-05-2002	Martin et al.	
	29.	US-2002/0198526	12-26-2002	Shaolian et al.	
	30.	US-2003/0040746	02-27-2003	Mitchell et al.	
	31.	US-2003/0040797	06-07-2005	Fallin et al.	
	32.	US-2003/0045875	03-06-2003	Bertranou et al.	
	33.	US-2003/0055426	03-20-2003	Carbone et al.	
	34.	US-2003/0060823	03-27-2003	Bryan	
	35.	US-2003/0073998	04-17-2003	Pagliuca et al.	
	36.	US-2003/0083657	05-01-2003	Drewry et al.	
	37.	US-2003/0083688	05-01-2003	Simonson	
	38.	US-2003/0088251	05-08-2003	Braun et al.	
	39.	US-2003/0093078	05-15-2003	Ritland	
	40.	US-2003/0191371	10-09-2003	Smith et al.	
	41.	US-2003/0191470	10-09-2003	Ritland	
	42.	US-2003/0195551	10-16-2003	Davison et al.	

Examiner Signature	Date Considered
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sd-266596

Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	10/798,014
				Filing Date	March 10, 2004
				First Named Inventor	Tae-ahn JAHNG
				Art Unit	3731
				Examiner Name	D. Davis
Sheet	2	of	2	Attorney Docket Number	559552000120

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

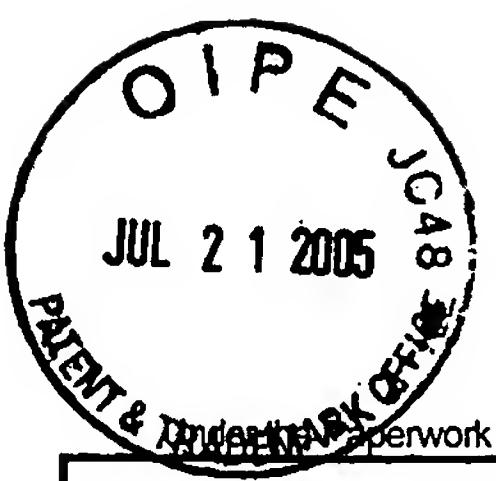
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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	43.	KANAYAMA et al., Journal of Neurosurgery (2001) 95(Spine 1):5-10		
	44.	MARKWALDER and WENGER, Acta Neurochirurgica (2003) 145(3):209-214		
	45.	MULHOLLAND and SENGUPTA, European Spine Journal (2002) 11 (Suppl 2):S198-205		
	46.	SCHMOELZ et al., Journal of Spinal Disorders & Techniques (2003) 16(4):418-423		
	47.	STOLL et al., European Spine Journal (2002) 11 (Suppl 2):S170-178		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

		Application Number	10/798,014
		Filing Date	March 10, 2004
		First Named Inventor	Tae-ahn JAHNG
		Art Unit	3731
		Examiner Name	D. Davis
Total Number of Pages in This Submission	6	Attorney Docket Number	559552000120

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08a/b (2 pages) Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
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Remarks		
<b>Customer No. 25225</b>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Richard C. Kim		
Date	July 15, 2005	Reg. No.	40,046

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Dated: July 18, 2005

Signature: (Rhea Amid)